

Senate Bill No. 679

Passed the Senate September 10, 2009

Secretary of the Senate

Passed the Assembly September 8, 2009

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 5013.2 to the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 679, Wolk. State parks: acquired land: limits on disposition or use.

The Department of Parks and Recreation, with the consent of the Department of Finance, is authorized to acquire title to or any interest in real property that the department deems necessary or proper for the extension, improvement, or development of the state park system. The department is also authorized to accept monetary and real property gifts to be used in any connection with the state park system.

This bill would prohibit land acquired for the state park system, through public funds or gifts, from being disposed of or used for other purposes incompatible with park purposes without the substitution of other land. This bill would require the State Park and Recreation Commission, following a duly noticed public hearing, to certify that all requests to dispose of or use the land for other purposes incompatible with park purposes provide for the substitution of other land meeting certain criteria. If lands that fully meet the substitution eligibility criteria cannot be acquired, the commission would be authorized, if certain conditions are met, to approve a combination of substitute park lands and monetary compensation to allow for the disposal or use of lands for other purposes incompatible with park purposes. The bill would require that the commission consider requests only if the commission determines that all practical alternatives that avoid the proposed disposal or use of park lands for other purposes incompatible with park purposes have been considered.

This bill would provide that its provisions shall not apply to existing uses of state park lands that have been authorized on or before January 1, 2010, by written agreement with the Department of Parks and Recreation or by the general plan for a state park unit.

The people of the State of California do enact as follows:

SECTION 1. Section 5013.2 is added to the Public Resources Code, to read:

5013.2. (a) Land acquired for the state park system with public funds or through receipt of gifts or bequests from individuals or private entities with the express purpose of expanding or maintaining the state park system shall not be disposed of or used for other purposes incompatible with park purposes without the substitution of other land pursuant to subdivision (b).

(b) Following a duly noticed public hearing, the State Park and Recreation Commission shall certify that all requests to dispose of or use for other purposes incompatible with park purposes land described in subdivision (a) shall provide for the substitution of other land that meets all of the following criteria:

(1) Has equal environmental value or other value for which the park was established.

(2) Has the same or greater fair market value, as established by an approved appraisal.

(3) Is located in an area that would allow for use of the substitute park land by generally the same persons who used the acquired land.

(4) Provides reasonably equivalent public access and recreational value, or has reasonably equivalent natural, cultural, or historic significance.

(c) In the event that substitute lands cannot be acquired to fully meet the requirements of subdivision (b), the commission may approve a combination of substitute park lands and monetary compensation to allow for the disposal or use of lands pursuant to subdivision (a) if all of the following criteria are met:

(1) To the greatest extent possible, all substitute lands meet the requirements of subdivision (b).

(2) Any monetary compensation is equal to or greater than the fair market value of the lands under subdivision (a) that are not otherwise substituted for under paragraph (1), as established by an approved appraisal.

(3) Any monetary compensation is sufficient to enable the department to acquire, in fee simple, other park lands of equal acreage to the lands not otherwise substituted for under paragraph (1), plus the costs of developing those park lands, including park

facilities and other improvements to the land as may be deemed necessary by the commission. The department shall give preference to the acquisition of substitute park lands that are located generally within the geographic region affected by the loss of park lands under this section.

(d) The commission shall consider requests for purposes of subdivision (b) only if the commission determines that all practical alternatives that avoid the proposed disposal or use of park lands for other purposes incompatible with park purposes have been considered. In making the determination, the commission shall consider information provided by other governmental entities with regulatory or permitting authority over the proposed nonpark use and other interested parties.

(e) This section shall not apply to existing uses of state park lands that have been authorized on or before January 1, 2010, by written agreement with the department pursuant to an existing permit, a legally recorded deed, a memorandum of understanding, or other written agreement with the department, or by the general plan for a state park unit. This subdivision does not expand or facilitate the use of state park lands beyond the current use allowed on or before January 1, 2010, by written agreement with the department.

Approved _____, 2009

Governor